IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRI.W.P.NO.3178 OF 2005

Akbar Mustafa Shaikh ..Petitioner

Vs.

The State of Maharashtra ..Respondents

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Mr.N.N.Gawankar & Arfan Sait Adv. for Petitioner
Mr.I.S.Thakur, A.P.P. for State

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CORAM: D.G.DESHPANDE AND SMT.V.K.TAHILRAMANI,JJ.

DATE : APRIL 10,2006

ORDER ORDER : (PER SMT. V.K.TAHILRAMANI,J):

1. Heard learned advocate for the petitioner and learned A.P.P. for the State. Rule. By consent, rule is heard forthwith.

2. The petitioner has been convicted under Section 302 of IPC and sentenced to R.I. for life. The Respondent-State has taken a decision to release the petitioner on completion of 24 years of imprisonment with remissions. As per the calculations submitted by the learned A.P.P. the petitioner will be released from prison on 23.4.2006.

3. It is the case of the petitioner that while computing the total period of imprisonment undergone by the petitioner including remission, Respondent No.2 did not take into account the period of parole while calculating the total period of imprisonment including remission.

4. After going through the calculations, it appears that remission of one month for annual good conduct has not been given to the petitioner. If the said remission is granted, the petitioner is entitled to be released forthwith. In this view of the matter, the petitioner to be released forthwith.

5. Petition is disposed of.

[D.G.DESHPANDE, J.]

[SMT.V.K.TAHILRAMANI,J.]